

California Code of Regulations

Title 10. Investment

Chapter 12. California Health Benefit Exchange (§ 6800 et seq.)

Article 10. Certified Insurance Agents.

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§ 6800. Definitions.

(a) For purposes of this article, the following terms shall have the following associated meanings:

Consumer: A person or entity seeking information on eligibility and enrollment or seeking application assistance with a health insurance or health related product available through the Exchange. The term consumer includes, but is not limited to, an applicant, an application filer, authorized representative, employer, qualified employee, qualified employer, qualified individual, small employer, or enrollee as defined in Section 6410 of Article 2 of this Chapter.

Certified Insurance Agent: An agent certified by the Exchange to transact in the individual and Small Business Health Options Program (SHOP) Exchanges.

§ 6802. Eligible Individuals.

- (a) All individuals who are licensed and in good standing as a life licensee under Insurance Code Section 1626 by the California Department of Insurance to transact in accident and health insurance are eligible to apply to become a Certified Insurance Agent.
- (b) The Exchange may require proof of a valid license by the California Department of Insurance as a condition of eligibility.

§ 6804. Agent Certification Application.

- (a) To become a Certified Insurance Agent an individual who is eligible pursuant to Section 6802 shall:
 - (1) Create an account for agents at www.CoveredCA.com, including, but not limited to, the following:
 - (A) Agreement to adhere to the CalHEERS Privacy Policy and Terms and Conditions herein incorporated by reference;
 - (B) Business Name (Legal) or individual's name;
 - (C) Federal Employment Identification Number and State Tax Identification or Social Security Number;
 - (D) Information on the individual including first name, last name, date of birth, Social Security Number, and Department of Insurance agent license number;
 - (E) Contact information including, but not limited to, address, email , phone number and preferred method of communication;
 - (F) A username, password, and Personal Identification Number (PIN).

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(2) Apply to the Exchange by providing information including, but not limited to, the following:

- (A) First and last name;
- (B) Insurance agent license number from the California Department of Insurance;
- (C) License expiration date;
- (D) Primary, business, and alternate phone number;
- (E) Business name;
- (F) Fax number;
- (G) Federal Employment Identification Number;
- (H) Business address; and
- (I) Correspondence address;

(3) At their option, provide information to be used in the individual's public facing profile. This information includes, but is not limited to, the following:

- (A) The individual's area of expertise in coverage for individuals, families, or employers;
- (B) Languages that the individual can communicate in;
- (C) The individual's expertise in any of the following types of insurance:
 - 1. Health;
 - 2. Dental;
 - 3. Vision;
 - 4. Life;
 - 5. Medicare;
 - 6. Medi-Cal;
 - 7. CHIP;
 - 8. Workers Compensation; and
 - 9. Property/Casualty; and
- (D) The individual's website address;
- (E) Additional text; and
- (F) A photo of the individual.

(4) Select a preferred method of payment as either check or direct deposit.

(A) If the individual chooses direct deposit, the individual shall provide the following information:

- 1. Bank Name;
- 2. Bank Routing Number;
- 3. Bank Account Number;

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4. Name on account; and

5. Payment Method.

(B) If the individual chooses checks, the individual shall provide the address to which the checks will be mailed.

(b) The Exchange shall review the application and request any additional or missing information necessary to determine eligibility.

(c) Individuals who have submitted a completed application shall be notified of available opportunities by the Exchange for the individual to complete the training requirements established pursuant to Section 6806, subdivision (a).

(d) Individuals who complete the training requirements established pursuant to Section 6806, subdivision (a), shall submit the following:

(1) Payment for

(C) Fees required by the California Department of Insurance pursuant to Insurance Code Section 1661; and

(D) Administrative fees of twelve (12) dollars.

(2) An executed Agent Agreement establishing the agent's roles and responsibilities, herein incorporated by reference;

(3) Proof of errors and omissions liability insurance with coverage of not less than \$1,000,000 per occurrence and \$1,000,000 annually in the aggregate; and

(4) A completed STD.204, Payee Data Record.

(e) Upon successful completion of subdivisions (a) – (d) above, the individual shall be designated as Certified Insurance Agent by the Exchange.

§ 6806. Training Standards.

(a) All individuals who apply to become a Certified Insurance Agent shall complete training including, but not limited to, the following subjects prior to becoming certified:

(1) QHPs (including the metal levels described at 45 C.F.R. § 156.140(b)), and how they operate, including benefits covered, payment processes, rights and processes for appeals and grievances, and contacting individual plans;

(2) The range of insurance affordability programs, including Medicaid, the Children's Health Insurance Program, and other public programs;

(3) The tax implications of enrollment decisions;

(4) Eligibility requirements for premium tax credits and cost-sharing reductions, and the impacts of premium tax credits on the cost of premiums;

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- (5) Contact information for appropriate federal, state, and local agencies for consumers seeking additional information about specific coverage options not offered through the Exchange;
 - (6) Basic concepts about health insurance and the Exchange; the benefits of having health insurance and enrolling through an Exchange; and the individual responsibility to have health insurance;
 - (7) Eligibility and enrollment rules and procedures, including how to appeal an eligibility determination;
 - (8) Providing culturally and linguistically appropriate services;
 - (9) Ensuring physical and other accessibility for people with a full range of disabilities;
 - (10) Understanding differences among health plans;
 - (11) Privacy and security standards applicable under 45 C.F.R. § 155.260 for handling and safeguarding consumers' personally identifiable information;
 - (12) Working effectively with individuals with limited English proficiency, people with a full range of disabilities, people of any gender identity, people of any sexual orientation, and vulnerable, rural, and underserved populations;
 - (13) Customer service standards;
 - (14) Outreach and education methods and strategies; and
 - (15) Applicable administrative rules, processes, and systems related to Exchanges and QHPs.
- (b) Training shall be provided by the Exchange through instructor led training or computer based training at the discretion of the Exchange.
- (c) Agent shall pass the exam administered by the Exchange once every twelve (12) months to maintain certification with the Exchange. A passing score requires that agent answer at least 80% of the questions in the exam correctly. Agent shall not perform any functions under this Article if more than twelve (12) months have passed since Agent passed the certification exam administered by the Exchange.